

[Legal Notice No. 83]

TELECOMMUNICATIONS ACT
(Act No. 20 of 2009)

TELECOMMUNICATIONS (SUBSCRIBER REGISTRATION) DIRECTIVES
2023

I, Calvin Ziru, Commissioner for Telecommunications Commission Solomon Islands, under section 25(1), section 25(7), section 13 and PART 11A of the *Telecommunications Act 2009*, make the following Directives:

TABLE OF PROVISIONS

PART 1: PRELIMINARY	678
1 Short title	678
2 Commencement	678
3 Objectives	678
4 Definitions	679
5 Scope of application	680
PART 2: NATIONAL SUBSCRIBER REGISTRY	681
6 National Subscriber Registry	681
7 Access to the National Subscriber Database	682
PART 3: SIM-CARD REGISTRATION	682
8 SIM-card registration process	682
9 No sale of SIM-card	683
10 Information and documents required to register a subscriber for a SIM-card	683
11 Verification requirements by service provider, authorised agents, dealers, and distributors	685
12 Registering and updating subscriber's information	686
13 Proxy registration	686
14 Providing access to the Commission	686
15 Suspending of unregistered SIM-card and notification	687
PART 4: SALE OF SIM-CARDS BY AUTHORISED AGENTS, DEALERS, AND DISTRIBUTORS	687
16 Use of an authorised agent, dealer, and distributor	687
PART 5: ACTIVATION, DEACTIVATION AND REPLACEMENT OF SIM-CARD	688
17 Activation, deactivation and replacement of SIM-cards	688
PART 6: SECURITY AND CONFIDENTIALITY OF SUBSCRIBER'S	

	REGISTRATION DETAILS	690
18	Security and confidentiality of subscriber’s registration	690
PART 7:	COMPLIANCE AND ENFORCEMENT	690
19	Compliance	690
20	Enforcement	691
PART 8:	MISCELLANEOUS	691
21	Breach against these Directives	691
22	Penalties	691
23	Amendment	692

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(section 25(1), section 25(7), section 13, Part 11A)

PART 1: PRELIMINARY

1 Short title

These Directives may be cited as the Telecommunications (*Subscriber Registration*) Directives 2023.

2 Commencement

These Directives commence on the date they are published in the Gazette.

3 Objectives

These Directives are made to meet the following Objectives:

- (a) to provide a regulatory framework for the registration of all subscribers of SIM-cards and all communication services provided by licensed service providers in the Solomon Islands, for the control, administration, and management of the National Subscriber Registry (NSR) managed by the Commission, in the Solomon Islands;
- (b) to develop a legal framework that governs the general conditions governing the use of SIM-cards and all communication services subscribers;
- (c) the necessity of properly identifying the conditions, under which a SIM-card or communication services by licensed providers is issued, lost, terminated and suspended, offences for false or misleading information and disclosure of any confidential information; and
- (d) it is crucial to develop an independent centralised database with a

regulatory framework to monitor, administer and manage the subscriber registration process.

4 **Definitions**

In these Directives, unless the context otherwise requires:

“**Act**” means the *Telecommunications Act 2009* (No. 20 of 2009) (the Act);

“**activate**” means to allow a subscriber to have full access to a service provider’s network service, including the ability to make and receive calls, to send and receive short message services and other telecommunications services normally provided by a service provider;

“**authorised agents**”, “**dealer**” or “**distributor**” means a person appointed or contracted by a service provider to carry out the registration of subscribers under these Directives;

“**Commission**” means the Telecommunications Commission of Solomon Islands (TCSI), established under the Telecommunications Act 2009 (No. 20 of 2009);

“**consent form**” means a form that the service provider or its authorised agent presents to subscribers with terms and conditions of service, and where the subscriber knowingly accepts to proceed with the service acquisition process;

“**communication service**” means a communication service that a licensed service provider or its authorised agent offer to subscribers with terms and conditions of service, and where the subscriber knowingly accepts to proceed with the service acquisition process;

“**deactivate**” means to disable a subscriber’s access to telecommunications services provided by a service provider;

“**Directive**” or “**Directives**”, or ‘direction’ in Part 18 and Part 19 of the Act, means the SIM-card Directives;

“**National Subscriber Registry or NSR**” is the electronic registry or centralised database system for the purpose of recording accurate user or subscriber information of all registered SIM-cards in the Solomon Islands;

“**organisation**” a legal entity as defined in section 78A of the Act;

“**parent**” of a person referred to in section 78F, is as defined in section 78A of the Act;

“**proxy registration**” means registration on behalf of a subscriber by a person who legally represents the actual subscriber;

“**registration information**” means the required identification details and

accepted valid ID of a person who wants to purchase or register a SIM-card by a service provider and or an “authorised agent”, “dealer” or “distributor”;

“**service provider**” is a person or entity that is issued a service license; either an “individual license” or a “class license” to provide telecommunications services in the Solomon Islands and is registered with the Commission. Any service provider who operates mobile or cellular network services, providing cellular connectivity to use SIM-cards, selling or providing SIM-cards for telecommunications purposes through their own products or services or through authorised agents, dealers or distributors, are responsible for the registration of subscribers;

“**SIM-card**” means the subscriber identity module (SIM) which is an independent electronically activated device designed for use in conjunction with a telecommunication apparatus, to enable the user of the telecommunication apparatus to transmit and receive communications by providing access to telecommunications systems, and enabling such telecommunications systems to identify the particular SIM and its installed information, including derivatives such as iSIM’s, eSIM’s and thin SIM’s;

“**subscriber**” means any person who receives telecommunications services and pays the corresponding fees for a certain period of time by virtue of an agreement that he or she enters into or accepts the terms set forth by a service provider;

“**subscriber information**” means any private or confidential information and records relating to a subscriber giving accurate identification including his or her full name, address, telephone or mobile number, traffic and billing data, or other personal or SIM-card. The subscriber information is registration information verified, validated by a service provider and uploaded successfully into the National Subscriber Registry;

“**suspend**” means to temporarily disable a subscriber’s access to telecommunications services provided by a service provider, and

“**valid ID**” an identification document of a person that contains accurate information of a person wanting to register a SIM-card as stipulated under sections 78E, 78G, 78I and 78J of the Act.

5 Scope of application

- (1) These Directives apply to all persons required within the legal age who intend to purchase and use or have purchased and are using a SIM-card or communication services through a service provider and its landline or mobile or cellular network or satellite services in the Solomon Islands.
- (2) These Directives apply to all service providers who are required to register new or existing users of one or more SIM-cards or communication services,

either through their services and or through their authorised agents, dealers or distributors.

- (3) A service provider may have existing subscriber records stored in an electronic form, through an existing service provider database system.
- (4) A service provider's authorised agents, dealers and distributors will upload and or update the subscriber details (as required by the Act and this directive) only to that service provider's database.
- (5) These Directives apply to all service providers who are required to upload on a continuous basis, new or existing subscriber registration information as required to a database, the National Subscriber Registry.

PART 2: NATIONAL SUBSCRIBER REGISTRY

6 National Subscriber Registry

- (1) The Commission shall establish, own and maintain an independent, centralised database referred to as the "National Subscriber Registry (NSR)", for the purpose of registering subscribers' information.
- (2) The Commission shall:
 - (a) host or agree on a data hosting entity to host the National Subscriber Registry in a suitable secure location on its premise, or at a location that the Commission deems appropriate; and
 - (b) provide an Application User Interface (UI), Application Programming Interface (API) and database platform, for the purpose of input, storage and authorised access of subscriber information; and
 - (c) require that new, updated, or existing subscriber registration information is verified and validated by the service provider; and when registration information is deemed to be accurate and one or more valid IDs are verified to be authentic, the service provider must enter and update the service provider database and make the registration information available to update the NSR; and
 - (d) receive or extract from each service provider, the registration information (subject to paragraph (c)) in a secure, standard and compatible format by uploading through the Application Programming Interface (API); and
 - (e) receive registration information from each service provider, on a continuous basis to the NSR and when the Commission deems appropriate:
 - (i) within 30 days of this Directive, register all NEW subscribers either through service provider and or through their "authorised agent," "dealer" or "distributor", in the service provider database. Each subscriber registration must be verified and validated.

Such validated subscriber details must be made available to be uploaded to NSR by the service provider within 1 – 5 working days of it being entered into the service providers database. After the 30-day period, the service provider will make available this information to the NSR within 24 hours of registration of a new subscriber;

- (ii) within 180 days of this Directive, register all EXISTING subscribers either through service providers or through their “authorised agent,” “dealer” or “distributor”, in the service provider database. Each subscriber registration must be verified and validated. Such validated subscriber details must be made available to be uploaded to NSR by the service provider within 5 working days of it being entered into the service provider’s database; and
- (e) securely access the database for inspection to address inquires or to resolve disputes; and
- (f) provide authorised access to the NSR, for use cases that may be deemed necessary by the Commission, for the purposes of enhancement and expansion of digital services to all citizens of Solomon Islands under explicit authorisation and approval by the Commission as required by directive 7.

7 Access to the National Subscriber Database

The Commission shall hold and protect subscriber information contained in the NSR, as required by the Act, on a strictly confidential basis. No person or entity shall be authorised to access or disclose any subscriber information in the NSR without the permission of the Commission except by:

- (a) a written consent of the person or party who has provided the information; or
- (b) a court order.

PART 3: SIM-CARD REGISTRATION

8 SIM-card registration process

- (1) A service provider’s authorised agent, dealer or distributor shall be the only entity permitted to register a subscriber into the service provider database.
- (2) Authorised agents, dealers or distributors shall have written evidence of authorisation to register a subscriber into the service provider database and issue SIM-cards from the service provider.
- (3) A service provider shall maintain electronic records of the following:
 - (a) contact information and consent forms signed for all its authorised

employees employed by the entity directly tasked with issuing and or managing SIM-cards;

- (b) contact information and consent forms signed by authorised agents, dealers or distributors which includes, but not limited to, the following information that shall be submitted to the service provider in order to be authorised by the service provider to distribute SIM-cards:
 - (i) Business Licence - a valid registered Business Name or registered trading under a limited company that is registered with Company Haus;
 - (ii) physical location of the business including area within Honiara, or province or village;
 - (iii) mobile number and e-mail address;
 - (iv) valid information ID card of the main contact person;
 - (c) continually updated list of all SIM-cards sold to its agents and partners for redistributions.
- (4) A service provider shall, on a monthly basis, submit to the Commission a verified list of authorised sales of SIM-cards.
- (5) A service provider shall:
- (a) provide the Commission access to its database for the purposes of extracting or uploading the subscriber details from the service provider's database to the NSR; and
 - (b) establish and maintain a database of all registered subscribers' information digitally in a service provider database; and
 - (c) inform its authorised agents, deals or distributors that information recorded in the service provider database is confidential as required under section 78M of the Act; and
 - (d) the service provider and its agents are strictly required to comply with the requirements specified in paragraphs (a) to (c).

9 No sale of SIM-card

A service provider or agent must not sell a SIM-card to a person except where the person:

- (a) is 18 years old; and
- (b) provides valid identification (valid ID) details.

10 Information and documents required to register a subscriber for a SIM-card

- (1) A person must provide the following information to a service provider or

authorised agent, dealer or distributor for registering in an electronic register:

- (a) proof of age (date of birth):
 - (i) person's full name; and
 - (ii) address; and
 - (b) according to age requirements, a valid ID in accordance with the Act, pursuant to sections 78E, 78G, 78I and 78J.
- (2) The three categories of persons purchasing a new SIM-card or registering an existing one are as follows:
- (a) **Sale of SIM-card to person aged 18 years or older:** such a person may present to a service provider or agent, a valid ID under section 78E of the Act, to be able to purchase a SIM-card;
 - (b) **Sale of SIM-card to person aged 15 years to 18 years:** such a person may present to a service provider or agent, a valid ID under section 78G of the Act, to be able to purchase a SIM-card;
 - (c) **Sale of SIM-card to an Organisation:** An Organisation may present to a service provider or agent, valid ID under section 78I of the Act, in order to purchase a SIM-card;
 - (d) In case of a valid ID by a letter presented to purchase a new SIM-card or to register an existing SIM-card as stated under paragraphs (a), (b) and (c), the letter must follow the requirements of section 78J of the Act.
- (3) The service provider or authorised agent, dealer and distributor examines the valid ID and is satisfied that the ID proves the person's identity and age.
- (4) The service provider or authorised agents, dealers and distributors enters the following Registration information of all categories of subscribers in the service providers database:
- (a) the name and address of the person;
 - (b) the type of valid ID the person presents to the service provider or authorised agents, dealers, or distributors and the additional following information (as appropriate):
 - (i) the identification number of the valid ID and the date of expiry of the ID;
 - (ii) for a statutory declaration, the name of the Commissioner for Oaths who made the declaration and the date the declaration was made;
 - (i) for a letter, the name and status of the person the letter is from and the date the letter is signed;
 - (c) the number of the SIM-card.

- (5) If registering for an organisation, enter the registration information into the service provider database, as per the conditions set forth in sections 78H, 78I and 78J (if an application).
- (6) A service provider or authorised agents, dealers, and distributors must only issue the SIM-card to a subscriber whose name and address and other statutory details the service provider or authorised agents, dealers, and distributors, enters in the service provider's database.
- (7) All information provided under this directive that includes changes in the subscriber information shall be communicated by the service provider within seven (7) working days of the change taking place, to the NSR.
- (8) Anyone who knowingly provides false information to a service provider or an authorised agent, dealer, or distributor during the registration process is in breach of this directive.

11 Verification requirements by service provider, authorised agents, dealers, and distributors

A service provider or an authorised agent, dealer, or distributor shall require the following documents to verify the registration details of a subscriber for the following categories:

- (a) citizens of Solomon Islands:

Valid ID or documents as required under sections 78E, 78G and 78I and 78J of the Act (if applicable);
- (b) non-citizens of Solomon Islands (Diplomatic):
 - (i) a valid passport; and
 - (ii) a valid diplomatic status;
- (c) non-citizens of Solomon Islands (Non-Diplomatic):
 - (i) a valid passport; and
 - (ii) a valid visa;
- (d) any foreign citizen residing in Solomon Islands who is between 15 to 18 years will provide a consent letter from one or both of his or her parents, signed and dated not more than 3 months when presented;
- (e) temporary visitor or tourist who is a non-citizen of the Solomon Islands:
 - (i) a valid passport; and
 - (ii) a local address (including and where applicable, a commercial establishment providing accommodation), and contact phone number where the visitor can be reached during the visit; and
 - (iii) a temporary visitor who is a non-citizen of Solomon Islands and is between 15 to 18 years will provide a consent letter from one

or both parents, signed and dated not more than 3 months when presented;

(f) Organisation:

A letter that includes the name, address and telephone number of the entity and duly signed with a corporate stamp or common seal by the organisation's authorised person:

- (i) organisations authorised person's name, position, work address and telephone number;
- (ii) authorised person's valid ID as required under sections 78E, 78G, 78I and 78J (if applicable) of the Act.

12 Registering and updating subscriber's information

- (1) Service providers and authorised agents, dealers, and distributors shall:
 - (a) register a person as a subscriber using a common form that has been approved by the Commission, into the service providers database; and
 - (b) take a photograph of the person being registered for the SIM-card including digital or photo or copies of the original ID document(s) and upload to the service provider's database; and
 - (a) enter the registration details provided by a person into the service provider's database, and maintain the signed physical forms for record keeping; and
 - (b) require a person to appear before the service provider or its agent in person.
- (2) Service providers shall:
 - (a) update the information obtained and follow verification requirements by the service provider, and its authorised agents, dealers, and distributors, of this directive in its service provider's database; and
 - (b) maintain the registration details obtained in an electronic medium in a secure and confidential manner; and
 - (c) include such subscriber registration details for updates into the NSR.

13 Proxy registration

There shall be no proxy registration of any SIM-card to any individual.

14 Providing access to the Commission

- (1) A service provider shall grant the Commission access to the service provider's system, premises, facilities, files, records, and other data to enable the commission to undertake regulatory audit and ensure the effective compliance of this directive at any given time.

- (2) The Commission shall undertake regulatory audits to ensure the effective compliance of this directive at any given time.
- (a) A service provider shall, on a monthly basis, submit to the Commission the authorised summary list according to the SIM-card registration process, for the purpose of cross-referencing the SIM-cards sold by service providers and their authorised agents, dealers, and distributors, with registered subscribers in the service provider database against the subscriber's information in the NSR.
 - (b) For discrepancies in the records of SIM-cards sold and registered in the service provider database against the NSR, the Commission may request in writing the service provider to make a regulatory audit of records in the service provider database or request a service provider to produce an audit report of its SIM-cards sold and registered with its authorised agents, dealers, and distributors.
 - (c) For legal proceedings and a court order arising out of this directive, the Commission may request a full audit report from the service provider and its authorised agents, dealers, and distributors at any given time for this purpose.

15 Suspending of unregistered SIM-card and notification

A service provider shall:

- (a) notify all its unregistered SIM-card users of its intentions to suspend the telecommunications services if the unregistered subscriber does not comply with the provisions of this directive within one hundred and eight (180) working days of the coming into force of these Directives; and
- (b) use the appropriate methods (SMS, radio broadcast, official notices, newspaper announcements etc.) to notify the unregistered SIM-card users and request compliance by the unregistered subscribers; and
- (c) suspend the SIM-card of an unregistered SIM-card subscriber, if the unregistered SIM-card user fails to comply with this directive following notifications provided under paragraphs (a) and (b) of this directive; and
- (d) a service provider shall reactivate a suspended SIM-card, where the subscriber is found to have complied with these Directives.

PART 4: SALE OF SIM-CARDS BY AUTHORISED AGENTS, DEALERS, AND DISTRIBUTORS

16 Use of an authorised agent, dealer, and distributor

- (1) A service provider may use an authorised agent, dealer, or distributor to sell and distribute SIM-cards or a built-in SIM-card mobile telephone or SIM-

enable mobile communication equipment or device.

- (a) An authorised agent, dealer, or distributor who sells and distributes a detachable SIM-card or built-in SIM-card mobile telephone or SIM-enabled mobile communication equipment or device shall have written evidence of authorisation from the respective service provider.
 - (b) A service provider shall inspect its authorised agent, dealers, and distributors on a monthly basis to ensure compliance with subscriber registration requirements of this Directive.
- (2) A service provider must ensure that an authorised agent, dealer, and distributor provide the required information as listed in the SIM-card registration process of this directive.
 - (3) Submission of Quarterly Reports: Every service provider shall, on a quarterly basis, submit to the Commission a verified list of its authorised agents, dealers and distributors.

PART 5: ACTIVATION, DEACTIVATION AND REPLACEMENT OF SIM-CARD

17 Activation, deactivation and replacement of SIM-cards

- (1) Activation of SIM-cards:
 - (a) a service provider shall not activate a SIM-card, built-in SIM-card mobile telephone or SIM-enabled mobile communication equipment or device on its electronic communication system unless the service provider has registered the subscriber's details pursuant to these Directives; and
 - (b) the details of a registered SIM-card, built-in SIM-card mobile telephone or SIM-enabled mobile communication equipment or device shall be kept active in the service provider's database as stipulated in these Directives; and
 - (c) any activated SIM-card, built-in SIM-card mobile telephone or SIM-enabled mobile communication equipment or device that is not registered as stipulated in these Directives shall be considered unregistered and shall be deactivated.
- (2) Deactivation of SIM-cards:
 - (a) a service provider shall deactivate a subscriber's SIM-card where:
 - (i) service to the subscriber has been suspended for a period of three (3) months; or
 - (ii) upon request by the subscriber; or
 - (iii) upon request of a Power of Attorney of the subscriber; or
 - (iv) all efforts to collect outstanding balances have not been successful;

or

- (v) the service provider or the Commission establishes that the subscriber has provided false information when registering the SIM-card; or
 - (vi) the service provider or the Commission establishes that a breach has occurred as specified in these Directives or the Act' or
 - (vii) the service provider establishes that the subscriber has not used the SIM-card for six (6) months unless the subscriber has notified the service provider that such SIM-card will remain idle for more than ninety (90) calendar days consecutively but not exceeding a period of twelve (12) months from the date of notification; or
 - (viii) a family member or authorised agent of the subscriber presents a death certificate of the subscriber; and
- (b) where a SIM-card has been deactivated or cancelled, the Mobile Station International Subscriber Directory Number (MSISDN) shall not be reallocated by the service provider, to a new subscriber, for a period of at least 12 (twelve) months from the date of deactivation; and
- (c) notwithstanding this directive, where an authorised government representative informs the Commission that a subscriber has provided false information for registration of a SIM-card, after verification by the Commission, the Commission shall notify the service provider of the complaint and the intended deactivation of the subscriber's SIM-card; and
- (d) where information under sub-directive 17(2) has been provided to the Commission, a service provider shall give the subscriber against whom such information has been reported, an opportunity to be heard before deactivating the SIM-card, built-in SIM-card mobile telephone or SIM-enabled mobile communication equipment or device; and
- (e) where a SIM-card, built-in SIM-card mobile telephone or SIM-enabled mobile communication equipment or device has been deactivated, the service provider shall retain the records of the relevant subscriber for twelve (12) months; and
- (f) A subscriber whose SIM-card, built-in SIM-card telephone or SIM-enabled mobile communication equipment or device has been deactivated may resubmit a new request for registration of the same number, subject to availability.
- (3) Replacement of a lost, stolen, or damaged SIM-card:
- (a) if a person loses the person's SIM-card (including if the person loses his or her mobile), the person must take action as required by section 78K of the Act; and

- (b) a service provider shall replace a lost, stolen, or damaged SIM-card upon verification of the original registration and ownership of the SIM-card.
- (4) Requirement to submit quarterly reports on deactivated accounts:
- (a) a service provider shall submit quarterly reports to the Commission of the record of deactivated and suspended subscribers and shall update the service provider's database accordingly.

PART 6: SECURITY AND CONFIDENTIALITY OF SUBSCRIBER'S REGISTRATION DETAILS

18 Security and confidentiality of subscriber's registration

- (1) All service providers must follow the security and confidentiality of subscriber information as prescribed under section 78M of the Act.
- (2) Subject to sub-directive (1), all service providers shall:
 - (a) take all reasonable steps to ensure the security and confidentiality of its subscribers' registration details; and
 - (b) notify the Commission of the steps taken and processes introduced to ensure the security and confidentiality of its subscribers' registration details within thirty (30) days after these Directives comes into force; and
 - (c) verify the accuracy and authenticity of information related to a subscriber's details contained in its service provider's database as required by the Act, this Directive, and the Commission, from time to time; and
 - (d) update the Commission, on a monthly basis, of any subscriber changes to the service provider's database; and
 - (e) notify the Commission of any data breach that compromises subscriber information within seven (7) working days from the discovery of the breach; and
 - (f) notify the affected subscribers of any data breach including instructions on how to manage the compromise.

PART 7: COMPLIANCE AND ENFORCEMENT

19 Compliance

All service providers:

- (a) shall comply with the provisions of these Directives; and
- (b) are subject to Part 18 ("Violations and Administrative and Civil

Remedies”) of the Telecommunications Act 2009.

20 Enforcement

- (1) A service provider who breaches, or violates, or fails to comply with the provisions of these Directives:
 - (a) is subject to the penalties under sections 78L and 78M of the Act; and
 - (b) is subject to the provisions of Part 18 and 19 of the Act.
- (2) Without prejudice to any of these Directives, the Commission’s remedies and sanctions shall be guided by the Telecommunications Act 2009 Part 18 and Part 19; and the Telecommunications (Amendment) Act 2021 (No. 3 of 2021) sections 78L and 78M, that determine the types of infractions that would result in license revocation, suspension, and other administrative measures and stipulate the penalties and the amount of fines to be paid.

PART 8: MISCELLANEOUS

21 Breach against these Directives

It is a breach against these Directives if a person fails to comply with its provisions.

22 Penalties

- (1) In addition to directive 21, the following are specific breaches against these Directives and the Act; if the service provider and or its authorised agents, dealer or distributor:
 - (a) fail to capture, register, deregister or record the verified details of a subscriber to the service provider’s database as required by these Directive; and
 - (b) activate any SIM-card without capturing, registering, and updating the service provider’s database; and
 - (c) refuse service to a subscriber notwithstanding the fact that a subscriber fulfils all the requirements as listed in these Directives; and
 - (d) fail to protect the privacy of the subscriber as required by these Directives; and
 - (e) are found to be in breach of any part of these Directives.
- (2) Where a service provider, or its authorised agent, dealer or distributor, commits any offence in paragraphs (a) to (e), against these Directives and the Act, the service provider, authorised agent, dealer or distributor are subject to the penalties prescribed under sections 78L and 78M, and Parts 18 and 19 of the Telecommunications Act 2009.

23 Amendment

These Directives may be amended by the Commission in accordance with the Act from time to time.

Made this twenty-fourth day of November 2023.

CALVIN ZIRU
COMMISSIONER FOR TELECOMMUNICATIONS COMMISSION
SOLOMON ISLANDS
